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Case No. GP-304237 (2760/157)
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REMARKS:

The present amendment replies to a Non-Final Office Action dated November 3, 2005. Claims 1-20 have been cancelled. Claims 21-34 have been added. No new matter has been added with the amendment. The Applicants respond to each ground of rejection as subsequently recited herein and request reconsideration of the present application.

Claim Rejections - 35 U.S.C. §102

Claims 1-7, 12-16 and 20 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Weisshaar et al. (the Weisshaar patent). Claims 1-7, 12-16 and 20 have been cancelled, obviating the rejection of these claims. For this reason, the Applicants request the withdrawal of the rejection of claims 1-7, 12-16 and 20 under 35 U.S.C. § 102 (e) as being anticipated by the Weisshaar patent.

Regarding new claims 21-34, the Weisshaar patent fails to anticipate each and every element as set forth in the claims. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaul Bras. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the . . . claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Thus, to warrant the §102(e) rejection, the references cited by the Examiner must show each and every limitation of the claims in complete detail. The Applicants respectfully assert that the cited references fail to do so.

The Applicants respectfully assert that the Weisshaar patent fails to include each and every element of the Applicants' invention as claimed in independent claims 21, 29 and 34. See MPEP 2131.

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Regarding claims 21 and 29, the Applicants assert that the Weisshaar patent fails to disclose, teach, or suggest, at least, a method for providing technical services to a telematics unit comprising receiving, at a call center configured to facilitate communications to and from a telematics device, a request for technical services from the telematics device, the request for technical services including a vehicle identification associated with the telematics unit and the user determining a technical service action based on the received request for technical services; and providing a technical service from the call center to the telematics device responsive to the technical service action determination, as recited in independent claims 21 and 29.

At most, the Weisshaar patent teaches that various components of a service framework 235 located on user node 108 communicate between themselves when a service registered in a service event notification registry 254 (located in user node 108) becomes available (see col. 17 lines 3-24). The Weisshaar patent also fails to teach or disclose "associating the technical service action with a user account and a vehicle identification for the user account,"

As discussed above, the Weisshaar patent only teaches communicating the availability of a service between components of the user node 108, it does not teach communicating technical service requests between a telematics unit and a call center and, therefore, does not teach or suggest all of the claim limitations of claims 21 and 29. For at least this additional reason, the Weisshaar patent cannot anticipate claims 21 and 29. Claims 22-28 and 30-33 depending from independent claims 21 and 29 are patentable for at least these same reasons. The allowance of claims 21-34 is requested.

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Claim Rejections - 35 U.S.C. §103

The rejection of claims 8-10 and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over the Weisshaar patent in view of the Smith patent has been obviated by the cancellation of these claims. The withdrawal of the rejection of claims 8-10 and 17-19 under §103(a) is requested.

Regarding the new claims, neither the Weisshaar patent nor the Smith patent alone or in combination teach or suggest initiating a technical services communications protocol sequence as recited in original claims 8 and 17 and now recited in new claims 25-28, 33 and 34. Specifically, neither the Weisshaar patent nor the Smith patent teach or suggest initiating a technical services communications protocol sequence as claimed and described by the Applicants. Specifically, neither the Weisshaar patent nor the Smith patent teach or suggest "wherein initiating a technical services communication protocol sequence comprises initiating an authentication protocol," as recited in new claim 25 or "wherein vehicle identification data is exchanged between the telematics device and the technical services queue modem when the authenticating call is verified in the home location register of the first and second carrier responsive to each determination," as recited in new claim 26. Furthermore, as stated above with regards to claims 21 and 29, the Weisshaar patent does not teach communicating technical service requests between a telematics device and a call center. The Smith patent does not cure these defects.

Claim 11 was rejected under §103(a) as being unpatentable over the Weisshaar patent. Claim 11 has been cancelled by the above amendment, obviating this rejection. The withdrawal of the rejection of claim 11 is requested.

New claims 21-34 are allowable

New claims 21-34 are allowable for at least those reasons stated above.

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SUMMARY:

Claims 21-34 as set forth herein fully satisfy the requirements of 35 U.S.C. §§102, 103, and 112. In view of foregoing remarks, favorable consideration and early passage to issue of the present application are respectfully requested.

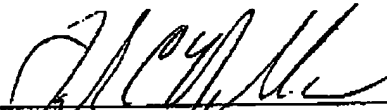
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